

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
IN RE:

Jurgielewicz Duck Farm,

Debtor.  
-----X

CASE NO.: 10-70231

CHAPTER 11

Judge: Dorothy T. Eisenberg

**LIMITED OBJECTION OF KALMACH FEEDS INC. AND KALMBACH TURKEY  
RESEARCH FARM, INC. TO THE DEBTOR'S MOTION TO SELL REAL PROPERTY  
LOCATED AT McCUTCHEONVILLE ROAD, WAYNE, OHIO**

Now comes Kalmbach Feeds, Inc. and Kalmbach Turkey Research Farm, Inc., creditors herein ("Kalmbach"), by and through counsel, and object to the sale of the Ohio Property (as defined in the Debtor's Sale Motion) to Chad Reynolds ("Proposed Purchaser") for the reasons set forth below.

Background.

1. The Debtor has filed a Motion to Sell certain real property owned by the Debtor free and clear of liens, the "Sale Motion".
2. Under the terms of the Sale Motion, the Debtor has proposed the sale of the Ohio Property to the Proposed Purchaser for the sum of \$515,000.00. The sale is to be free and clear of liens and encumbrances except for the assumption by the Proposed Purchaser of two (2) leases.
3. The Debtor indicates that the property would be subject to a *Commercial Lease Agreement* effective October 1, 2010 by and between the Debtor and Couak Capital Corp. for the use of 10 acres of land and pens for the hatching and raising of poultry, and a *Cash Lease of Farm Land* effective October 1, 2010 by and between the Debtor and Gary Reynolds (father of the Proposed Purchaser) for the use of 140 acres of land for agricultural purposes.

4. The Debtor asserts that such sale as proposed is in the best interest of the Estate and will result in obtaining the maximum value for the Ohio Property.

5. Under the terms of the Sale Motion the proposed sale is subject to higher bids as well as Court approval.

6. On or about April 12, 2011, Kalmbach Feeds, Inc. submitted a higher bid of \$625,000.00 cash. Kalmbach further submitted its deposit of \$62,500.00 and verification from Huntington National Bank confirming the ability of Kalmbach Feeds, Inc. to fund and complete the sale.

7. Other than the increased purchase price, the Kalmbach Feeds, Inc. bid was submitted on the same terms as the Proposed Purchaser, including assumption of the two (2) leases. Attached as Exhibit A is a copy of the purchase agreement submitted by Kalmbach.

8. Under the terms the Sale Motion and the Adjournment Notice competing bids were due not later than April 13, 2011.

9. Based upon discussions with counsel for the Debtor, Kalmbach Feeds Inc. believes that it submitted the highest and best bid for the Ohio Property.

10. Based upon the bid submitted by Kalmbach Feeds Inc., Kalmbach requests that the Court approve the bid submitted by Kalmbach Feeds Inc. and approve the sale to Kalmbach Feeds Inc. in accordance with the terms of the Kalmbach Feeds Inc. bid.

WHEREFORE, Kalmbach requests this Court deny the Debtor's *Motion for Order Authorizing the Debtor to Sell Real Property Located at McCutcheonville Road, Wayne, Ohio*, as to the Proposed Purchaser, that the Court approve the sale of the Ohio Property to Kalmbach Feeds Inc. and requests such other relief as may be appropriate under the circumstances.

Dated: Bay Shore, New York  
April 21, 2011

Respectfully submitted,

/s/Raquel Felix

Raquel Felix

Frenkel Lambert Weiss Weisman & Gordon, LLP

Attorney for Creditors Kalmbach Feeds,

Inc. and Kalmbach Turkey Research Farm, Inc.

Long Island Office

20 West Main Street

Bay Shore NY 11706

Tel: (631) 969-3100

Fax: ( 631) 919-1586

E-mail: [RFelix@flwlaw.com](mailto:RFelix@flwlaw.com)

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
IN RE:

CASE NO.: 10-70231

Jurgielewicz Duck Farm,

CHAPTER 11

Debtor.

Judge: Dorothy T. Eisenberg

-----X  
STATE OF NEW YORK )

) ss.:

COUNTY OF SUFFOLK )

Molly Miller, being duly sworn, deposes and says: deponent is not a party to the action.  
Is over 18 years of age and resides in County of Suffolk, New York.

On April 21, 2011 deponent served the within Limited Objection to Sale upon:

Jurgielewicz Duck Farm  
Debtor  
P.O. Box 68  
Moriches, NY 11955

Arnold Mitchell Greene, Esq.  
Attorney for the debtor  
Robinson Brog Leinwald Greene et al  
875 Third Avenue, 9<sup>th</sup> Floor  
New York, NY 10022

United States Trustee  
Att: Stan Yang  
Long Island Federal Courthouse  
560 Federal Plaza- Room 560  
Central Islip, NY 11722-4437

The above parties were served by depositing a true copy of same enclosed in a post-paid properly addressed wrapper, in a post office-official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

/s/Molly Miller  
Molly Miller

Sworn to before me this  
21<sup>st</sup> day of April, 2011  
/s/Jessica Spiegelman  
Notary Public

State of New York  
No.01SP6093750  
Qualified in Suffolk County  
Commission Expires in June 9, 2011